

2001 DRAFTING REQUEST**Bill**Received: **10/24/2001**Received By: **mdsida**Wanted: **As time permits**Identical to LRB: **01-4065/2**For: **Richard Grobschmidt (608) 266-7505**By/Representing: **John Sumi**This file may be shown to any legislator: **NO**Drafter: **rryan**

May Contact:

Addl. Drafters:

Subject: **Criminal Law - miscellaneous
Criminal Law - guns and weapons**

Extra Copies:

Submit via email: **NO**

Pre Topic:

No specific pre topic given

Topic:

Threatening use of biological, chemical, or radioactive substances

Instructions:

Prohibit false threats to release harmful biological, chemical, or radioactive substances (Class E felony); and allow court to order defendant to pay cost of emergency personnel response to threat

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
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/1			pgreensl 11/26/2001	_____	lrb_docadmin 11/26/2001	lrb_docadmin 11/26/2001	

FE Sent For:

At intro.

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FE Sent For:

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In 11/21/01

2001 BILL

Regen

- 1 AN ACT *to create* 947.017 and 973.06 (1) (ar) of the statutes; **relating to:** threats
2 to release or disseminate harmful chemical, biological, or radioactive
3 substances and providing a penalty.

Analysis by the Legislative Reference Bureau

Current law prohibits making or conveying a threat to destroy property with explosives knowing that the threat is false. This bill prohibits intentionally making a threat to release or disseminate a harmful substance knowing that the threat is false, if the threat induces a reasonable expectation or fear that the person making the threat will release or disseminate a harmful substance. The bill defines "harmful substance" as a radioactive material that is dangerous to human life, a toxic or poisonous chemical or its precursor, or a disease organism. A person who violates the prohibition against threats concerning harmful substances may be fined not more than \$10,000, sentenced to a period of confinement in prison followed by a term of extended supervision that together may not exceed five years, or both.

The bill also requires that courts assess against persons convicted of making threats related to harmful substances, certain costs incurred by state and local government agencies in responding to the threat, including the cost of supplying emergency law enforcement and medical personnel to respond to the threat, the cost of analyzing any alleged harmful substance, and the cost of treating alleged victims exposed to an alleged harmful substance.

BILL

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 947.017[✓] of the statutes is created to read:

947.017 Threats to release chemical, biological, or radioactive substances. (1) In this section, "harmful substance" means radioactive material that is dangerous to human life, a toxic or poisonous chemical or its precursor, or a disease organism.

(2) Whoever, knowing the threat to be false, intentionally threatens to release or disseminate a harmful substance, if the threat induces a reasonable expectation or fear that the person will release or disseminate a harmful substance, is guilty of a Class E felony.

SECTION 2. 973.06 (1) (ar) of the statutes is created to read:

973.06 (1) (ar) If the defendant violated s. 947.017, the moneys expended by a state or local government agency for the following activities in connection with a threat under s. 947.017 (2):

1. The response to the threat by emergency medical personnel, as defined in s. 941.37 (1) (c).

2. The analysis of any substance alleged to be a harmful substance, as defined in s. 947.017 (1).

3. The medical treatment of persons who are alleged to have been exposed to an alleged harmful substance, as defined under s. 947.017 (1).

(END)



State of Wisconsin

LEGISLATIVE REFERENCE BUREAU

100 NORTH HAMILTON STREET
5TH FLOOR
MADISON, WI 53701-2037

STEPHEN R. MILLER
CHIEF

LEGAL SECTION: (608) 266-3561
LEGAL FAX: (608) 264-6948

November 26, 2001

MEMORANDUM

To: Senator Grohschmidt

From: Robin L. Ryan, Legislative Attorney

Re: LRB-4109/1 Threatening use of biological, chemical, or radioactive substances

The attached draft was prepared at your request. Please review it carefully to ensure that it is accurate and satisfies your intent. If it does and you would like it jacketed for introduction, please indicate below for which house you would like the draft jacketed and return this memorandum to our office. If you have any questions about jacketing, please call our program assistants at 266-3561. Please allow one day for jacketing.

____ JACKET FOR ASSEMBLY ☒ JACKET FOR SENATE

If you have any questions concerning the attached draft, or would like to have it redrafted, please contact me at (608) 261-6927 or at the address indicated at the top of this memorandum.

If the last paragraph of the analysis states that a fiscal estimate will be prepared, the LRB will request that it be prepared after the draft is introduced. You may obtain a fiscal estimate on the attached draft before it is introduced by calling our program assistants at 266-3561. Please note that if you have previously requested that a fiscal estimate be prepared on an earlier version of this draft, you will need to call our program assistants in order to obtain a fiscal estimate on this version before it is introduced.

Please call our program assistants at 266-3561 if you have any questions regarding this memorandum.